

AMENDED IN ASSEMBLY MARCH 12, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 98**

**Introduced by Assembly Member Koretz**

January 9, 2003

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An act to add Section 512.5 to the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 98, as amended, Koretz. Employment: meal periods and rest periods.

Existing law authorizes the Industrial Welfare Commission to adopt or amend working condition orders with respect to break periods, meal periods, and days of rest for any workers in this state consistent with the health and welfare of those workers. ~~Other provisions of existing law prohibits an employer, except as provided with certain exceptions, from employing an employee for more than 5 hours per day without providing the employee a meal period of not less than 30 minutes, or from employing an employee for more than 10 hours per day without providing the employee with a 2nd meal period of not less than 30 minutes.~~

~~This bill would require the Industrial Welfare Commission to adopt or amend working condition orders on or before July 1, 2004, to provide that an employee of a public agency who operates a commercial motor vehicle, as defined, is subject to the same regulations regarding meal periods and rest periods as employees of a private employer engaged in the same occupation. The bill, notwithstanding this requirement, would permit a public agency and a labor organization representing public~~

~~agency employees who are commercial drivers to establish pursuant to a valid collective bargaining agreement an alternative schedule of meal periods and rest periods that provides equivalent protection to employees.~~

*This bill would provide that if the Industrial Welfare Commission adopts or amends an order that applies to an employee of a public agency who operates a commercial motor vehicle, it may exempt an employee covered by a valid collective bargaining agreement from provisions that relate to meal periods or rest periods.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 512.5 is added to the Labor Code, to  
2 read:

3 512.5. (a) ~~On or before July 1, 2004, the Industrial Welfare~~  
4 ~~Commission shall adopt or amend working condition orders to~~  
5 ~~provide that an employee of a public agency who operates a~~  
6 ~~commercial motor vehicle be subject to the same regulations~~  
7 ~~regarding meal periods and rest periods as employees of a private~~  
8 ~~employer engaged in the same occupation.~~

9 (b) ~~Notwithstanding subdivision (a), a public agency and a~~  
10 ~~labor organization representing public agency employees who are~~  
11 ~~commercial drivers may establish pursuant to a valid collective~~  
12 ~~bargaining agreement an alternative schedule of meal periods and~~  
13 ~~rest periods that provides equivalent protection to employees.~~

14 (c) ~~Notwithstanding any provision of this chapter, if the~~  
15 ~~Industrial Welfare Commission adopts or amends an order that~~  
16 ~~applies to an employee of a public agency who operates a~~  
17 ~~commercial motor vehicle, it may exempt that employee from the~~  
18 ~~application of the provisions of that order which relate to meal~~  
19 ~~periods or rest periods, consistent with the health and welfare of~~  
20 ~~that employee, if he or she is covered by a valid collective~~  
21 ~~bargaining agreement.~~

22 (b) “Commercial motor vehicle” for the purposes of this  
23 section has the same meaning as provided in subdivision (b) of  
24 Section 15210 of the Vehicle Code.

25 (d)

1     (c) “Public agency” for the purposes of this section means the  
2     state and any political subdivision of the state, including any city,  
3     county, city and county, or special district.

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